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'72 Data Show F.B.I. Questioned If Burglars Bugged the Watergate

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WASHINGTON, Nov. 5 — The Federal Bureau of Investigation questioned in 1972 whether the offices of the Democratic National Committee were actually bugged by the Watergate burglars, according to Justice Department documents and a new book on the case.

The documents and the book, "Secret Agenda" by Jim Hougan, challenge one of the basic elements of the case that led to the resignation of President Nixon in 1974. The book is scheduled to be published next week by Random House.

One of the documents, an F.B.I. memorandum dated Oct. 2, 1972, shows that the bureau's laboratory doubted that telephone taps found at the Watergate complex in Washington were compatible with eavesdropping receivers used by the defendants.

It also shows that bureau technicians and investigators believed a bug found on the telephone of a top Democratic party official three months after the break-in was probably not installed or used by the burglars and might have been put in place by the Democrats to strengthen the case against the Watergate defendants.

Silbert Firm on Stand

The Watergate prosecutor, Earl J. Silbert, who strenuously challenged the F.B.I.'s conclusions in private in 1972, said today that he remained confident the Watergate burglars bugged the Democratic headquarters.

Mr. Silbert said that no one, including the two defendants who went to trial for the break-in and were convicted in 1973, James W. McCord Jr. and G. Gordon Liddy, ever questioned testimony that taps had been installed at the Democratic headquarters and that conversations had been monitored. The five other defendants pleaded guilty.

"Alfred Baldwin's testimony that he listened to telephone conversations from the D.N.C. headquarters was never contested by anyone, including the defense at trial," Mr. Silbert said.

Alfred C. Baldwin 3d, an alleged participant in the bugging scheme who was granted immunity from prosecution in return for his cooperation with the Government, testified at the break-in trial that through the use of a tap on the telephone of Spencer Oliver, a top Democratic official, he had monitored 200 telephone calls at the Watergate from a surveillance post at the Howard Johnson motel across the street.

The F.B.I. memorandum said, "No facts known to us at present support the presence of a listening device on Oliver's telephone at time of the security check" immediately after the break-in.

In a memorandum to his superiors at the Justice Department in 1972, Mr. Silbert said that the bureau's doubts about the bugging were developed to shield the fact that its investigators failed to find the tap on the Oliver telephone until three months after the June 17 break-in. The bug on the Oliver telephone was discovered on Sept. 13, 1972.

Memorandum on Bugging

In a Sept. 28, 1972, memorandum to Henry E. Petersen, an Assistant Attorney General, Mr. Silbert said: "I cannot imagine anyone planting a device in the Democratic headquarters after Watergate. It is too ludicrous."

He added, "I believe that the bureau 'goofed' on this one."

Mr. Silbert, however, expressed some concern about how to handle the bureau's findings. "Obviously," he wrote Mr. Petersen, "we do not want to be put in the position of challenging such testimony of the F.B.I., particularly its lab, while at the same time relying so heavily on the F.B.I. in general and the lab in particular for other important aspects of our proof."

The bureau memorandum and Mr. Silbert's note to Mr. Petersen were obtained from the Justice Department by Mr. Hougan through a request under the Freedom of Information Act.

Mr. Silbert declined to comment on whether the Government had provided copies of the bureau memorandum to defense attorneys.

Defense attorneys and journalists who followed the Watergate case closely said that the F.B.I. memorandum and the bureau's questions about the bugging were not mentioned at the trial.

Mr. Hougan contends in the book that the calls on the Oliver telephone that were overheard by Mr. Baldwin were intercepted by a bug planted on a telephone in another nearby building, the Columbia Plaza Apartments, used by an elite prostitution ring. He reports that a secretary at the Democratic headquarters used the Oliver telephone to introduce visiting Democrats to one of the prostitutes.

The prostitution ring, according to Mr. Hougan, involved a number of high-level political and Government leaders and was connected to a covert operation run by the Central Intelligence Agency.

"Watergate," Mr. Hougan concludes in his book, "was not so much a partisan political scandal as it was, secretly, a sex scandal, the unpredictable outcome of a C.I.A. operation that, in the simplest of terms, tripped on its own shoelaces."